

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

FILED-CLERK
U.S. DISTRICT COURT

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TEXAS-EASTERN

DATATREASURY CORPORATION,
Plaintiff,

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CIVIL ACTION NO.

BY

Melvin

v.

502CV095

INGENICO S.A., *d/b/a*
GROUPE INGENICO, and
INGENICO, INC.,
Defendants.

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

I. THE PARTIES

1. Plaintiff DataTreasury Corporation ("DataTreasury") is a Delaware corporation that maintains its principal place of business at 175 Pinelawn Drive, Second Floor, Melville, New York 11747.

2. Defendant Ingenico S.A., *d/b/a* Groupe Ingenico is a French corporation that maintains its principal place of business at 9, Quai de Dion Bouton, 92816 Puteaux Cedex, France. Defendant Ingenico S.A., *d/b/a* Groupe Ingenico is also authorized to do business in the United States of America and may be served by the Texas Secretary of State by sending a copy of this Complaint by Certified Mail, Return Receipt Requested, to any officer or director at its principal place of business in the United States, 1003 Mansell Road, Atlanta, Georgia 30076.

3. Defendant Ingenico, Inc. is a Georgia corporation that maintains its principal place of business at 1003 Mansell Road, Atlanta, Georgia 30076.

II. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.* and 28 U.S.C. § 1338.

5. Personal jurisdiction exists generally over each of the Defendants because each has sufficient minimum contact with the forum as a result of business conducted within the State of Texas and within the Eastern District of Texas. Personal jurisdiction also exists specifically over each of the Defendants because of Defendants' conduct in making, using, selling, offering to sell, and/or importing infringing products and practices within the State of Texas and within the Eastern District of Texas.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

7. DataTreasury is the owner as assignee of all rights, title, and interest in and under United States Patent No. 5,910,988 ("the '988 Patent"), which duly and legally issued on June 8, 1999, with Claudio Ballard as the named inventor, for an invention in a remote image capture with centralized processing and storage.

8. Defendants have been and are infringing the '988 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products and practices that fall within the scope of the claims of the '988 Patent. Defendants will continue to infringe the '988 Patent unless enjoined by this Court. DataTreasury is without an adequate remedy at law.

9. Defendants' infringement of the '988 Patent has been and is willful.

10. Defendants have been and are actively inducing and/or contributing to the infringement of the '988 Patent by others.

11. This is an exceptional case within the meaning of 35 U.S.C. § 285.

IV. PRAYER FOR RELIEF

DataTreasury respectfully requests the following relief:

A. That the Court declare that the '988 Patent is valid and enforceable and that it is infringed by Defendants;

B. That the Court enter a preliminary and thereafter a permanent injunction against Defendants' direct infringement of the '988 Patent;

C. That the Court enter a preliminary and thereafter a permanent injunction against Defendants' active inducement of infringement and/or contributory infringement of the '988 Patent by others;

D. That the Court award damages to DataTreasury to which it is entitled for patent infringement;

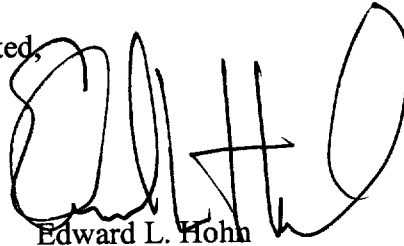
E. That the Court award interest on the damages to DataTreasury;

F. That the Court treble all damages and interest for willful infringement;

G. That the Court award to DataTreasury its costs and attorneys fees incurred in this action; and

H. Such other relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward L. Hohn', written over the typed name.

Edward L. Hohn

Texas Bar No. 09813240

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